

CAMPBELL & WILLIAMS
J. Colby Williams (Nevada Bar No. 5549)
Philip R. Erwin (Nevada Bar No. 11563)
700 South Seventh Street,
Las Vegas, Nevada 89101
Telephone: (702) 382-5222
Facsimile: (702) 382-0540
jcw@cwlawlv.com
pre@cwlawlv.com

KELLEY DRYE & WARREN LLP
David E. Fink (Admitted *Pro Hac Vice*)
Sarah E. Diamond (Admitted *Pro Hac Vice*)
10100 Santa Monica Boulevard, 23rd Floor
Los Angeles, CA 90067-4008
Telephone: (310) 712-6100
Facsimile: (310) 712-6199
dfink@kelleydrye.com
sdiamond@kelleydrye.com

Attorneys for Plaintiffs Mathew Franco and Blue Shorts, Inc.

GREENBERG TRAURIG, LLP
Mark E. Ferrario (Nevada Bar No. 1625)
Tyler R. Andrews (Nevada Bar No. 9499)
10845 Griffith Peak Drive, Suite 600
Las Vegas, Nevada 89135
Telephone: (702) 792-3773
Facsimile: (702) 792-9002
ferrariom@gtlaw.com
andrewst@gtlaw.com

Attorneys for Defendant Base Magic, LLC

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

Mathew Franco, an individual, and Blue Shorts, Inc. a Nevada Corporation,

Case No. 2:18-cv-02052-KJD-VCF

**STIPULATION AND ORDER TO
DISMISS CASE WITHOUT
PREJUDICE**

Plaintiffs.

V.

Base Magic LLC, a Delaware Limited Liability Company, Base Entertainment, LLC, a Delaware Limited Liability Company, and DOES 1 through 50,

Defendants.

1 Plaintiffs Mathew Franco and Blue Shorts, Inc. (“Plaintiffs”), by and through their
2 undersigned counsel, and Defendant BASE Magic LLC (“Defendants”), by and through its
3 undersigned counsel, hereby stipulate and agree as follows:

4 WHEREAS, on or around December 10, 2014, the Parties entered into an agreement (the
5 “Agreement”) providing that any disputes relating to the Agreement would be brought in the
6 federal courts of Las Vegas, Nevada.

7 WHEREAS, on October 25, 2018, Plaintiffs filed a Complaint in the above referenced
8 court against Defendants related to the Agreement, asserting claims for Declaratory Relief,
9 Breach of Contract, Breach of the Implied Covenant of Good Faith and Fair Dealing, Breach of
10 Fiduciary Duty, and Injunctive Relief.

11 WHEREAS, on December 10, 2018, Defendants filed a Motion to Dismiss For Lack of
12 Subject Matter Jurisdiction, contending that diversity citizenship does not exist between certain
13 of the Parties.

14 WHEREAS, on December 11, 2018, Defendants filed a Complaint in the District Court
15 of Clark County, Nevada against Plaintiffs related to the present dispute, captioned *Base Magic*
16 *LLC v. Matthew Franco, et al*, Case No. A-18-785853-B (the “State Action”).

17 WHEREFORE, based on the foregoing,

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1 IT IS HEREBY STIPULATED AND AGREED that the above entitled matter is hereby
2 DISMISSED, WITHOUT PREJUDICE, with each party to bear its own fees and costs incurred
3 therein.

4 **IT IS SO STIPULATED.**

5 DATED: December 21, 2018

6 CAMPBELL & WILLIAMS
7 J. Colby Williams

8 By: /s/ J. Colby Williams

9 J. Colby Williams (Nevada Bar No. 5549)
10 Philip R. Erwin (Nevada Bar No. 11563)
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12 Las Vegas, Nevada 89101
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Facsimile: (702) 382-0540
jcw@cwlawlv.com
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15 10100 Santa Monica Boulevard, 23rd Floor
Los Angeles, CA 90067-4008
Telephone: (310) 712-6100
Facsimile: (310) 712-6199
dfink@kellydrye.com
sdiamond@kellydrye.com

16 *Attorneys for Plaintiffs Mathew Franco and*
Blue Shorts, Inc.

DATED: December 21, 2018

GREENBERG TRAURIG, LLP
Mark E. Ferrario

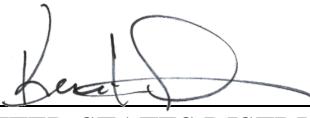
By: /s/ Mark E. Ferrario

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10845 Griffith Peak Drive, Suite 600
Las Vegas, Nevada 89135
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Facsimile: (702) 792-9002
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andrewst@gtlaw.com

Attorneys for Defendant Base Magic, LLC

22 **ORDER**

23 **IT IS SO ORDERED:**

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UNITED STATES DISTRICT COURT JUDGE

26 DATED: January 2, 2019